

The Modesto
Peace Life Center

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April 16, 2008

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Comments on Broadcast Localism; Docket 04-233

Dear FCC:

We of the Modesto Peace Life Center of Modesto, California would like to provide comment regarding the proposed FCC localism rulemaking.

The Modesto Peace-Life Center is a 501(c)(3) non-profit educational organization that, since 1970, has worked to bring positive change in our local community through projects such as a Peace Essay Contest, community newspaper, *Stanislaus Connections*, an annual commemoration for Martin Luther King, Jr., a peace camp, and other activities.

Modesto, California was recently ranked the worst place to live in the United States in one of those “places rated” guides. Modesto is ranked 362 of the 369 Metropolitan Statistical Areas in the United States regarding unemployment — now climbing past 10%. The area is plagued by some of the worst air quality in the nation, declared by the EPA as an “extreme non-attainment zone.” It was also reported to have had the highest car theft per capita rate in the United States in 2005 and 2006. Modesto is in dire need of help.

Radio could give us the possibility of uniting elements of our community to provide information and solve local problems. However, under the current FCC rules this is impossible. The ten commercial FM radio channels we receive in our area are all owned by out-of-town entities (four are owned by Citadel, one by Clear Channel, one by Bustos, two by Entravision, and two by Capstar Texas). These corporations have no underlying initiative to invest additional money into introspective programming for the community, and this is reflected in their current programming. The commercial channels in our area carry predetermined national radio formats that are virtually devoid of any thought-provoking local public affairs, coverage of local elections or issues, or any rotational of local musical artists.

For the non-commercial broadcasters, the picture is even bleaker. For religious radio you can take your pick of **thirteen** NCE-originated channels in the Modesto vicinity, including Family Radio Network (88.1, 95.5), Your Christian Companion Network (89.1, 90.1, 94.7, 103.7), EMF Network (88.3, 90.7, 99.5, 101.9, 105.9, and soon to be 89.3), and the local

Christian broadcaster, 90.5 KADV. National Public Radio here is carried on 91.7 and 91.3, which are full power channels that simply rebroadcast the Sacramento NPR affiliate. There are additional religious and urban-formatted low power stations in the area.

Our only choice for community programming that covers diverse news and local issues is KQRP 106.1 FM — a low power station operated out of Salida, a small community adjacent to Modesto. KQRP's fringe signal could be slightly heard in Modesto until a translator came on the air with programming from the Educational Media Foundation (EMF), wiping KQRP's signal out. EMF program feeds can be picked up on three translators — each with community of license “Modesto” (K258AB, K270BE, K290BF) — and not one of them is required to provide any local programming. Apparently, it is fully legal for a non-commercial broadcaster to hoard as many frequencies as possible, and broadcast on them forever. If the public ever wanted to demand better usage for these frequencies it would be literally impossible to obtain one for local use.

Because the FM band is absent of local programming in the Central Valley, the Modesto Peace Life Center set out in 2007 to follow the Commission's rules and apply for a non-commercial, educational FM license. Our intention was to carve out a small piece of the airwaves for a community radio station. The channel was intended to be used for public benefit such as fighting poverty, broadcasting on community issues, playing music not heard on commercial radio, and providing access to the underrepresented — local youth, senior citizens, people of color, etc. To apply for a channel, we contacted professionals in the field, obtained a preliminary study, and allocated funds to the project. We considered ourselves fortunate because we found an open frequency of 89.3FM near the city of Manteca that could accommodate 12,000 watts.

To our dismay, EMF — which owns hundreds of stations nationwide — submitted an application for minor modification of KARQ 89.5FM a few months before the NCE window. Thanks to new anti-localism regulations approved by the FCC, EMF was allowed to change frequencies — 89.5 FM to 89.3 FM — *and* community of license — from East Sonora to San Andreas — with a simple, minor amendment, wiping out the availability for a new local applicant to apply for it in the NCE window. Although their application proposed utilizing a non-regulation antenna pattern¹ — even submitted without supplying a written waiver request — the FCC readily approved a construction permit for the move within months. According to our engineer, EMF probably made the modification to abandon its chiefly rural foothill coverage and concentrate on aiming its coverage to the urban areas in the Central Valley. EMF provides no local-specific content to San Andreas, nor to any of its 250+ stations. We consider the FCC's approval of EMF's usage of 89.3FM to be stealing from the local community for redundant, nonlocal, private usage. This does not serve localism or the public interest, but nothing can be done because the FCC doesn't have regulations to take into account the local public interest.

From our own hometown example, we can only assume the FCC gives preference to satellite broadcasters and nonlocal programming over local programming. The public is

¹ FCC apparently accepts non-regulation antenna patterns from established broadcasters. If a new applicant proposes such a pattern, their application presumably would be dismissed. Thus, there is a bias in service that sides with established broadcasters.

completely locked out of utilizing its own airwaves to draw the community together and organize regarding solving issues such as poverty, unemployment, and crime. Commercial broadcasters are completely against allowing the community to have access to use even one hour of airtime without paying for it. Many religious broadcast networks may refuse to broadcast programming to cover local issues; at best they may provide local religious viewpoints — but nothing else. Commercial broadcasters and religious networks are against low power FM. We feel that only a narrow segment of the population is allowed access to the airwaves. Our only hope is that the Commission will enact new regulations that promote localism on full power stations. We suggest the following:

- 1) Limit or end studio waivers. A broadcaster should provide a certain number of hours of local-specific programming if they intend to broadcast in a city without a studio. Otherwise, broadcasters should be required to have a studio in the area and provide a certain hours access for the community to use. At last measure, local groups should be able propose better usage of a studio-waived channels owned by out-of-town groups.
- 2) There should be ownership limits for NCE stations and translators.
- 3) No broadcaster should be allowed to rebroadcast on multiple frequencies in one community; this is a waste of broadcast allocation.
- 4) Local groups should be allowed to challenge studio-waived broadcasters if those broadcasters cannot provide programming that deals with local issues.
- 5) Allow the public to challenge translator owners that are providing redundant programming, and allow LPFM's to use translator channels.

In closing, we hope the FCC approves new regulations to address localism so radio can be used as a tool to unite and solve problems our community.

James Costello
For the Board

The Board: John Frailing, Shelly Scribner, Alexander Brittain, James Costello, Mike Lenahan, John Lucas, Dan Onorato, Norma Ovrachim, Keith Werner.